

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KELLY CAHILL, SARA JOHNSTON,
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on behalf of
others similarly situated,

No. 3:18-cv-01477-JR
ORDER

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Jolie A. Russo issued a Findings and Recommendation on November 22, 2022, in which she recommends that the Court deny Defendant's Motions to Exclude the Opinions of Kathleen Lundquist and David Neumark, deny Plaintiffs' Motions to Rule as Inadmissible Parts of the Expert Reports of Chester Hanvey and Ali Saad, and deny

Plaintiffs' Motion to Certify the Class. F&R, ECF 310. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

I. Portions of the Findings and Recommendation to which the parties do not object

The parties did not object to the portions of the Findings and Recommendation in which Judge Russo recommended the Court deny Defendant's Motions to Exclude the Opinions of Kathleen Lundquist and David Neumark and Plaintiffs' Motions to Rule as Inadmissible Parts of the Expert Reports of Chester Hanvey and Ali Saad. The Court, therefore, is relieved of its obligation to review those portions of the Findings and Recommendation *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988)(*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error as to those portions of the Findings and Recommendation.

II. Portions of the Findings and Recommendation to which Plaintiffs object

Plaintiffs object to the portion of the Findings and Recommendation in which Judge Russo recommends the Court deny Plaintiffs' Motion to Certify the Class. The Court, therefore, must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(en banc).

The Court has carefully considered Plaintiffs' objections and concludes there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Russo's Findings and Recommendation [310].

Accordingly, Defendant's Motions to Exclude the Opinions of Kathleen Lundquist and David Neumark [179, 181] are denied, Plaintiffs' Motions to Rule as Inadmissible Parts of the Expert Reports of Chester Hanvey and Ali Saad [192, 221] are denied, and Plaintiffs' Motion to Certify the Class [146] is denied.

IT IS SO ORDERED.

DATED: March 21, 2023



MARCO A. HERNÁNDEZ
United States District Judge